

PROPOSED CHARTER AMENDMENTS

The following amendments to the Miami-Dade County Home Rule Charter have been approved by the Board of County Commissioners for placement on the ballot of the September 10, 2002 election. For each proposed amendment, the language that will appear on the ballot, as well as the amended Charter language, are shown. Words that are stricken will be deleted; words that are underlined will be added if the amendment is approved.

COMMISSION ORGANIZATION

This amendment would allow the Board of County Commissioners to establish its own rules of procedure, organize itself, select the Board's Chairperson, and establish Committees. The Mayor currently holds these powers. If Committees are established, certain public hearings, which will be enumerated by ordinance, will be permitted to occur either before the Committee or the full Board.

Ballot Language

CHARTER AMENDMENT TRANSFERRING CERTAIN MAYORAL RESPONSIBILITIES TO THE COUNTY COMMISSION

SHALL THE CHARTER BE AMENDED TO PROVIDE THAT THE
COMMISSION, RATHER THAN THE MAYOR, IS EMPOWERED,
WITHOUT BEING SUBJECT TO MAYORAL VETO, TO:

- * ENACT ITS RULES OF PROCEDURE;
- * SELECT ITS CHAIRPERSON AND A VICE-CHAIRPERSON;
- * CREATE COMMISSION COMMITTEES OR DELEGATE
CREATION TO THE COMMISSION'S CHAIRPERSON;
- * PROVIDE BY ORDINANCE FOR COMMITTEES TO CONDUCT
CERTAIN PUBLIC HEARINGS;
- * APPOINT COMMITTEE CHAIRS AND MEMBERS OR
DELEGATE SUCH POWER TO THE COMMISSION'S
CHAIRPERSON?

YES ☐

NO ☐

Charter Language

CITIZEN'S BILL OF RIGHTS

* * *

5. Right to be Heard. So far as the orderly conduct of public business permits, any interested person has the right to appear before the Commission or any municipal council or any County or municipal agency, board or department for the presentation, adjustment or determination of an issue, request or controversy within the jurisdiction of the governmental entity involved - ; provided, nothing herein shall prohibit the Commission or any municipal council from referring a matter to a committee of each of their respective bodies to conduct a public hearing, unless prohibited by law. Matters shall be scheduled for the convenience of the public, and the agenda shall be divided into approximate time periods so that the public may know approximately when a matter will be heard. Nothing herein shall prohibit any governmental entity or agency from imposing reasonable time limits for the presentation of a matter.

ARTICLE - 1 BOARD OF COUNTY COMMISSIONERS

* * *

Section 1.02. Resolutions and Ordinances.

- C. At the time and place so advertised, or at any time and place to which such public hearing may from time to time be adjourned, the ordinance shall be read by title and a public hearing shall be held. After the hearing, the Board may pass the ordinance with or without amendment. No provision herein shall prohibit a committee of the commission from conducting such public hearing, as provided by Section 1.08.

* * *

Section 1.08. Organization Of The Commission And Commission Committees.

Commencing with the election of Mayor in 1996, the Mayor shall not be a member of the Commission. The Commission shall select the chairperson and vice-chairperson of the commission. The Chairperson shall preside over commission meetings and perform such other duties set forth in the charter and ordinances of Miami-Dade County. The Vice-Chairperson shall perform the duties of the chairperson in the absence or incapacity of the Chairperson. Any member may be selected by the Commission to preside over commission meetings in the event of the absence of the Chairperson and the Vice-Chairperson.

The Commission may organize itself into standing committees, special committees, and ad hoc committees. Upon formation of any such committees, the Commission may appoint its members or authorize the Chairperson to appoint committee members. Commission committees may conduct public hearings, as authorized by ordinance of the Commission. The Mayor shall be the presiding officer of the

~~Commission with the authority to designate another member of the Commission to serve as presiding officer.~~ The Clerk of the Circuit Court or a deputy shall serve as clerk of the Commission. No action of the Commission shall be taken except by a majority vote of those present at a meeting at which a majority of the Commissioners then in office is present. All meetings shall be public.

* * *

Section 1.10. Responsibilities Of The Mayor.

~~Commencing with the election of Mayor in 1996, the~~ The Mayor shall serve as head of the county government with the following specific responsibilities:

- A. The Mayor shall within ten days of final adoption by the Commission, have veto authority over any legislative, quasi-judicial, zoning, master plan or land use decision of the Commission, including the budget or any particular component contained therein which was approved by the Commission; provided, however, that (1) if any revenue item is vetoed, an expenditure item in the same or greater dollar amount must also be vetoed and (2) the Mayor may not veto the selection of the chairperson or vice-chairperson of the commission, the enactment of commission committee rules, the formation of commission committees, or the appointment of members to commission committees. The Commission may at its next regularly scheduled meeting after the veto occurs, override that veto by a two-thirds vote of the Commissioners present.
- B. When one person succeeds another in the position of Mayor, the successor shall have the right to appoint the Manager, subject to the approval within 14 days of a majority of the Commissioners then in office. The Mayor shall appoint the Manager, subject to the approval within 14 days of a majority of the Commissioners then in office. The Mayor may remove the Manager subject to the Commission's conducting a hearing within 10 days of said removal and the Commission's overriding the Mayor's action by a two-thirds vote of those Commissioners then in office. Additionally, the Commission by a two-thirds vote of those Commissioners then in office shall be able to remove the Manager.
- ~~[[C. The Mayor shall appoint the members of all standing committees and the chairperson and vice-chairperson of each committee. There shall be as many standing and special committees as deemed necessary by the Mayor.]]~~
- D. The Mayor shall prepare and deliver a report on the state of the county to the people of the county between November 1 and January 31 annually. Such report shall be prepared after consultation with the Commissioners and the Manager.
- E. The Mayor shall prepare and deliver a budgetary address annually to the people of the county between July 1 and September 30. Such report shall be prepared after consultation with the Manager and budget director.

INVOLVEMENT IN ADMINISTRATIVE MATTERS BY ELECTED OFFICIALS

The Charter currently restricts elected officials' involvement in administrative matters, specifically prohibiting their influence in personnel decisions and prohibiting elected officials from giving orders to any subordinates of the County Manager. This amendment would add language to the Charter indicating that the County Manager's and administrative staff members' participation in violations of these prohibitions is grounds for removal of the County Manager or the staff member involved. Language would also be added that would allow elected officials to make inquiries of the administration regarding constituent services.

Ballot Language

CHARTER AMENDMENT REGARDING THE MAYOR'S AND COUNTY COMMISSIONER'S COMMUNICATIONS WITH COUNTY STAFF

WHETHER THE CHARTER SHALL BE AMENDED TO

1. PROVIDE THAT THE COUNTY MANAGER AND ANY MEMBER OF THE COUNTY'S ADMINISTRATIVE STAFF MAY BE REMOVED FROM OFFICE IF HE OR SHE KNOWINGLY APPOINTS OR REMOVES ANY COUNTY OFFICER OR EMPLOYEE UPON THE REQUEST OF THE MAYOR OR A COUNTY COMMISSIONER, AND

2. EXPRESSLY ALLOW THE MAYOR AND COMMISSIONERS TO TRANSMIT CONSTITUENT INQUIRIES TO COUNTY STAFF?

YES ☐

NO ☐

Charter Language

ARTICLE 3 THE COUNTY MANAGER

* * *

Section 3.05. Restriction on the Mayor and Commission Members.

- A. Neither the Mayor nor any Commissioner shall direct or request the appointment of any person to, or his or her removal from, office by the Manager or any of the Manager's subordinates, or take part in the appointment or removal of officers and employees in the administrative services of the county, nor shall the Manager or any member of the administrative services accede to such direction

or request. Any willful violation of this section by the Mayor or Manager or any County employee shall be grounds for his or her removal.

- B. Except for the purpose of transmitting constituent inquiries to the administrative services and other inquiry, as provided in Section 1.01A(20), the Mayor and Commissioners shall deal with the administrative service solely through the ~~Manager~~ County Manager's Office and neither the Mayor nor any Commissioner shall give orders to any subordinates of the Manager, either publicly or privately.

No County employee, other than the County Manager, shall respond to or undertake any action to comply with any request by the Mayor or any Commissioner which violates the provisions of the preceding paragraph. The County Manager shall not knowingly allow the Mayor or any Commissioner to deal with the administrative services in violation of the provisions of the preceding paragraph.

ELECTIONS

This amendment would change the time of run-off elections for County offices from the state second primary election, as it is currently scheduled, to November, at the time of the general election.

Ballot Language

CHARTER AMENDMENT CHANGING DATE OF RUNOFF ELECTIONS FOR COUNTY OFFICES TO DATE OF GENERAL ELECTION

SHALL, EFFECTIVE UPON THE ELECTION FOR COUNTY COMMISSION IN 2004, THE CHARTER BE AMENDED TO PROVIDE THAT RUNOFFS FOR COUNTY ELECTIONS BE HELD AT THE TIME OF THE GENERAL ELECTION IN NOVEMBER?

YES ☐

NO ☐

Charter Language

ARTICLE 2 ELECTIONS

Section 2.01. Election And Commencement Of Terms Of County Commissioners.

- A. Unless otherwise provided in the Charter, beginning in 1976, the election of the Mayor and the County Commissioners from four County Commission districts to

be selected by voluntary arrangement or by lot prior to June 1, 1976 shall be held at the time of the state primary elections in 1976 and every four years thereafter at the same time. The County Commissioners from the other four County Commission districts shall also be elected in 1976 in the same manner, but only for two year terms; the election of County Commissioners from these four County Commission districts will be held again in 1978 and every four years thereafter at the time of the state primary elections.

Note: The election of the Commissioners from even-numbered districts shall be held in 1994 and every four years thereafter and the election of Commissioners from odd-numbered districts shall be held in 1996 and every four years thereafter. Meek v. Metropolitan Dade County, 908 F.2d 1540 (11th Cir. 1990), opinion after remand, 985 F.2d 1471 (11th Cir. 1993).

- B. A candidate must receive a majority of the votes cast to be elected. Effective with the election for County Commission in 2004, ~~If~~ if no candidate receives a majority of the votes cast there will be a runoff election at the time of the general election following the state primary election ~~state second primary election~~ between the two candidates receiving the highest number of votes. Should a tie result, the outcome shall be determined by lot.

COMMISSIONERS' SALARY

The annual salary for a Miami-Dade County Commissioner is \$6,000 and was established in 1957. The salary for commissioners in other counties around the state is determined according to a formula in state statute that takes into account the size of the jurisdiction and the cost of living. This amendment would allow for Miami-Dade County Commissioners to be paid based on the statutory formula, currently approximately \$80,500.

Ballot language

CHARTER AMENDMENT REGARDING SALARIES OF COUNTY COMMISSIONERS

SHALL THE CHARTER BE AMENDED SO THAT COUNTY COMMISSIONERS NO LONGER RECEIVE THE \$6,000 ANNUAL SALARY ESTABLISHED IN 1957, AND THEY COMMENCE RECEIVING AS OF THE EFFECTIVE DATE OF THIS AMENDMENT, THE SALARY PROVIDED BY A STATE FORMULA BASED ON POPULATION USED BY OTHER FLORIDA COUNTIES, INCLUDING BROWARD COUNTY (CURRENTLY APPROXIMATELY \$80,500)?

YES ☐

NO ☐

Charter Language

ARTICLE-1
BOARD OF COUNTY COMMISSIONERS

* * *

Section 1.06. Salary.

Each County Commissioner shall receive a salary determined pursuant to general law applicable to non-charter counties ~~of \$6,000 per year payable monthly~~ and shall be entitled to be reimbursed for such reasonable and necessary expenses as may be approved by the Board.

BUDGET PROCESS

This amendment establishes a schedule for the budget process. Currently, the County Manager prepares a budget to be submitted to the Board of County Commissioners by a date established by ordinance, but no later than July 15. The Charter calls for the Mayor's annual budget message to be delivered subsequent to the submission of the proposed budget, between July 1 and September 20. The Charter amendment would call for the Mayor's budget message to be delivered in March, in order to set priorities for the County Manager to use in preparation of the proposed budget. The deadline for the submission of the proposed budget would then be between June 1 and July 15, with a written response by the Mayor to be submitted prior to the Board of County Commissioners taking action to set the preliminary tax rates, at the end of July.

Ballot language

CHARTER AMENDMENT RELATING TO COUNTY BUDGET PROCESS

SHALL THE CHARTER BE AMENDED TO REQUIRE THAT ANNUALLY THE MAYOR DELIVER A BUDGET MESSAGE IN MARCH; THE COUNTY MANAGER SUBMIT A PROPOSED BUDGET BETWEEN JUNE 1 AND JULY 15; AND THE MAYOR PROVIDE A RESPONSE BY JULY 31?

YES ☐

NO ☐

Charter language

ARTICLE-1
BOARD OF COUNTY COMMISSIONERS

* * *

Section 1.10. Responsibilities of the Mayor.

Commencing with the election of Mayor in 1996, the Mayor shall serve as head of the county government with the following specific responsibilities:

* * *

- E. The Mayor shall prepare and deliver a budgetary address annually to the people of the county in between March July 1 and September 30. Such address report shall be prepared after consulting with the Manager and budget director and shall set forth the Mayor's funding priorities for the County.

* * *

Section 4.03. Financial Administration

* * *

- B. Between June 1 and July 15, the County Manager should present a proposed budget to the Mayor containing a complete financial plan, including capital and operating budgets, for the ensuing fiscal year. The budget prepared and recommended by the Manager and the Mayor's written response thereto shall be presented to the Commission on or before the Board adopts tentative millage rates for the ensuing fiscal year. On or before the date established by law, the Manager shall recommend to the board a proposed budget presenting a complete financial plan, including capital and operating budgets, for the ensuing fiscal year. A summary of the budget shall be published and the Board shall hold hearings on and adopt a budget on or before the dates required by law.

COMMISSION AUDITOR

This amendment would establish the position of Commission Auditor hired by and reporting directly to the County Commission to provide independent budgetary, audit, management, revenue forecasting and fiscal analyses. The position does not currently exist.

Ballot language

CHARTER AMENDMENT CREATING THE POSITION OF
COMMISSION AUDITOR

SHALL THE CHARTER BE AMENDED TO CREATE THE OFFICE OF
COMMISSION AUDITOR TO BE SELECTED BY AND REPORT
DIRECTLY TO THE BOARD OF COUNTY COMMISSIONERS WITH THE
RESPONSIBILITY TO PROVIDE THE BOARD BUDGETARY, AUDIT,
MANAGEMENT REVENUE FORECASTING, AND FISCAL ANALYSES

OF COMMISSION POLICIES, AND COUNTY SERVICES AND
CONTRACTS?

YES ☐

NO ☐

Charter Language

ARTICLE-8
GENERAL PROVISIONS

Section 8.10. COMMISSION AUDITOR

There is hereby created and established the Office of the Commission Auditor. The Commission Auditor, who shall be a certified public accountant, will be selected by the County Commission and shall report directly to the County Commission. The County Commission shall provide by ordinance for the specific functions and responsibilities of the Commission Auditor, which shall include but not be limited to providing the Commission with independent budgetary, audit, management, revenue forecasting, and fiscal analyses of commission policies, and county services and contracts.

COMMISSION DISTRICTS

The County Commission consists of thirteen members elected from districts, as established in Meek v. Metropolitan Dade County 908 F.2d 1540 (11th Cir. 1990), opinion after remand, 985 F.2d 1471 (11th Cir. 1993). This amendment would reaffirm and make the Charter consistent with this court ruling.

Ballot language

CHARTER AMENDMENT RELATING TO TERMS AND NUMBER OF
COUNTY COMMISSIONERS

SHALL THE CHARTER BE UPDATED IN ACCORDANCE WITH
FEDERAL COURT ORDERS TO REFLECT THAT THE BOARD OF
COUNTY COMMISSIONERS CONSISTS OF THIRTEEN MEMBERS
EACH ELECTED FROM A SINGLE-MEMBER DISTRICT AND SERVING
STAGGERED TERMS?

YES ☐

NO ☐

Charter Language

ARTICLE-1
BOARD OF COUNTY COMMISSIONERS

* * *

SECTION 1.03. Districts.

- A. There shall be thirteen ~~eight~~ County Commission districts. The current initial boundaries of these districts shall be as shown on the map attached as Exhibit A and made a part hereof.

~~Note: There are thirteen County Commission districts. Meek v. Metropolitan Dade County, 908 F.2d 1540 (11th Cir. 1990), opinion after remand, 985 F.2d 1471 (11th Cir. 1993).~~

- B. The Board may by ordinance adopted by two-thirds vote of the members of the Board change the boundaries of the districts from time to time. The boundaries shall be fixed on the basis of the character, population, and geography of the districts.

SECTION 1.04. Composition Of The Commission.

The Commission shall consist of thirteen members, each of whom shall be a qualified elector residing within his or her district for at least six months and within the County for at least three years before qualifying and who shall be elected by the qualified electors of his or her district.

~~The Commission shall consist of nine members elected, as follows~~

~~From each of the eight districts there shall be elected by the qualified electors of the county at large a County Commissioner who shall be a qualified elector residing within the district at least six months and within the county at least three years before qualifying. Commencing with the election of Mayor in 1996, the Commission shall consist of eight members.~~

~~Beginning with the state primary elections in 1968, the Mayor and each Commissioner shall be elected for a term of four years.~~

~~Note: The Commission consists of thirteen members elected from districts. Meek v. Metropolitan Dade County, 908 F.2d 1540 (11th Cir. 1990), opinion after remand, 985 F.2d 1471 (11th Cir. 1993).~~

* * *

ELECTIONS

SECTION 2.01. ELECTION AND COMMENCEMENT OF TERMS OF COUNTY COMMISSIONERS.

- A. ~~Unless otherwise provided in the Charter, beginning in 1976, the election of the Mayor and the County Commissioners from four County Commission districts to be selected by voluntary arrangement or by lot prior to June 1, 1976 shall be held at the time of the state primary elections in 1976 and every four years thereafter at the same time. The County Commissioners from the other four County Commission districts shall also be elected in 1976 in the same manner, but only for two year terms; the election of County Commissioners from these four County Commission districts will be held again in 1978 and every four years thereafter~~ The election of the Commissioners from even-numbered districts shall be held in 1994 and every four years thereafter and the election of Commissioners from odd-numbered districts shall be held in 1996 and every four years thereafter at the time of the state primary elections.

~~Note: The election of the Commissioners from even-numbered districts shall be held in 1994 and every four years thereafter and the election of Commissioners from odd-numbered districts shall be held in 1996 and every four years thereafter. Meek v. Metropolitan Dade County, 908 F.2d 1540 (11th Cir. 1990), opinion after remand, 985 F.2d 1471 (11th Cir. 1993).~~

AMENDING THE CHARTER

The Charter currently allows for amendments to be proposed either by resolution adopted by the Board of County Commissioners or by an initiatory petition signed by at least 10% of the electors. The Charter restricts the submission of amendments proposed by initiatory petitions to even-numbered years in which state primary and general elections are held. This amendment would allow for such petitions to be submitted at any time and requires the Board of County Commissioners to call an election within 60-120 days of the date the petition is submitted.

Ballot language

CHARTER AMENDMENT EXPANDING RIGHT TO PROPOSED INITIATIVE PETITIONS FOR CHARTER AMENDMENTS

SHALL THE CHARTER BE AMENDED TO:

- DELETE RESTRICTION THAT INITIATIVE PETITIONS TO AMEND THE CHARTER BE EVERY TWO YEARS,
- REQUIRE THAT ANY ELECTION ON INITIATIVE PETITIONS TO AMEND THE CHARTER BE HELD IN CONJUNCTION WITH A

SCHEDULED COUNTYWIDE ELECTION, OR IF NO
COUNTYWIDE ELECTION IS SCHEDULED, AT A SPECIAL
ELECTION, AND

- REQUIRE COMMISSION TO CALL SUCH ELECTION WITHIN 60-
120 DAYS OF PRESENTATION OF A CERTIFIED PETITION TO
THE COUNTY COMMISSION?

YES ☐

NO ☐

Charter language

ARTICLE-8 GENERAL PROVISIONS

* * *

Section 8.07. Amendments.

- A. Amendments to this Charter may be proposed by a resolution adopted by the Board of County Commissioners or by petition of electors numbering not less than ten percent of the total number of electors registered in Dade County at the time the petition is submitted to the Board. Initiatory petitions shall be certified in the manner required for initiatory petitions for an ordinance.
- B. Amendments to this Charter may be proposed by initiatory petitions of electors ~~biennially, only during even numbered years in which state primary and general elections are held.~~ The Board of County Commissioners shall call an election to be held within 60-120 days of the date that a certified petition is presented to the County Commission. Such election shall be called in conjunction with a countywide election; however, if no countywide election is scheduled to occur within 60-120 of presentation, a special election on the petition shall be called. ~~All elections on charter amendments proposed by initiatory petitions shall be held in conjunction with state primary or general elections, unless the Board of County Commissioners shall determine to call a special election by two-thirds vote of the entire membership.~~

INITIATIVE PETITIONS

Electors in Miami-Dade County may propose to the Board of County Commissioners passage or repeal of ordinances through an initiative petition. If the Board does not adopt or repeal the ordinance referred to in the petition, the Board must submit the proposal to the electors. This amendment would allow that if the Board does not take action to adopt or repeal the ordinance, the question would automatically be placed on the ballot without further action of the Board.

Ballot language

CHARTER AMENDMENT PLACING PROPOSED
INITIATIVE PETITIONS ON BALLOT WITHOUT FURTHER COUNTY
COMMISSION ACTION

SHALL THE CHARTER BE AMENDED TO PROVIDE THAT IF AN
INITIATIVE PETITION IS DEEMED TO BE LEGALLY SUFFICIENT, THE
PROPOSAL SHALL BE PLACED ON THE BALLOT WITHOUT
REQUIRING ANY FURTHER ACTION BY THE BOARD OF COUNTY
COMMISSIONERS, UNLESS THE BOARD DETERMINES TO ADOPT
THE PROPOSAL?

YES ☐

NO ☐

Charter language

ARTICLE -7

INITIATIVE, REFERENDUM, AND RECALL

SECTION 7.01. Initiative and Referendum.

The electors of the county shall have the power to propose to the Board of County Commissioners passage or repeal of ordinances and to vote on the question if the Board refuses action, according to the following procedure:

1. The person proposing the exercise of this power shall submit the proposal, including proposed ballot language, to the Board which shall without delay approve as to form a petition for circulation in one or several copies as the proposer may desire.
2. The person or persons circulating the petition shall, within 60 days of the approval of the form of the petition, obtain the valid signatures of voters in the county in numbers at least equal to four percent of the registered voters in the county on the day on which the petition is approved, according to the official records of the County Supervisor of Elections. In determining the sufficiency of the petition, no more than 25 percent of the valid signatures required shall come from voters registered in any single county commission district. Each signer of a petition shall place thereon, after his name, the date, and his place of residence or precinct number. Each person circulating a copy of the petition shall attach to it a sworn affidavit stating the number of signers and the fact that each signature was made in the presence of the circulator of the petition.

3. The signed petition shall be filed with the Board which shall within 30 days order a canvass of the signatures thereon to determine the sufficiency of the signatures. If the number of signatures is insufficient or the petition is deficient as to form or compliance with this Section, the Board shall notify the person filing the petition that the petition is insufficient and has failed.
4. The Board ~~may shall~~ within 30 days after the date a sufficient petition is presented ~~either:~~
 - ~~(a) Adopt~~ adopt the ordinance as submitted in an initiatory petition or repeal the ordinance referred to by a referendary petition, ~~or~~
 - ~~(b) Submit the proposal to the electors in impartial and concise language and in such manner as provides a clear understanding of the proposal. If the Board does not adopt or repeal the ordinance as provided above, then the proposal shall be placed on the ballot without further action of the Board.~~
5. If the Board ~~determines to submit the proposal~~ is submitted to the electors, the election shall be held either:
 - (a) In the next scheduled county-wide election, or
 - (b) If the petition contains the valid signatures in the county in numbers at least equal to eight percent of the registered voters in the county, the election shall take place on the first Tuesday after within 120 days from certification of the petition. ~~after the date the petition is presented to the Board, preferably in an election already scheduled for other purposes, otherwise in a special election.~~ The result shall be determined by a majority vote of the electors voting on the proposal.
6. An ordinance proposed by initiatory petition or the repeal of an ordinance by referendary petition shall be effective on the day after the election, except that:
 - (a) Any reduction or elimination of existing revenue or any increase in expenditures not provided for by the current budget or by existing bond issues shall not take effect until the beginning of the next succeeding fiscal year; and
 - (b) Rights accumulated under an ordinance between the time a certified referendary petition against the ordinance is presented to the Board and the repeal of the ordinance by the voters, shall not be enforced against the county; and
 - (c) Should two or more ordinances adopted at the same election have conflicting provisions, the one receiving the highest number of votes shall prevail as to those provisions.

7. An ordinance adopted by the electorate through initiatory proceedings shall not be amended or repealed by the Board for a period of one year after the election at which it was adopted, but thereafter it may be amended or repealed like any other ordinance.

FINANCE DIRECTOR

The Finance Director is currently appointed by the County Manager. Because the Clerk of Courts has fiscal responsibility per State Statute, as a matter of practice the Clerk has participated in this appointment. This amendment would formalize the shared appointment powers.

Ballot language

SHALL THE CHARTER BE AMENDED TO REQUIRE THAT THE
FINANCE DIRECTOR BE APPOINTED JOINTLY BY THE COUNTY
MANAGER AND THE CLERK OF THE CIRCUIT AND COUNTY
COURTS?

YES ☐

NO ☐

Charter Language

ARTICLE-4 ADMINISTRATION ORGANIZATION AND PROCEDURE

* * *

Section 4.03. Financial Administration.

- A. The department of finance shall be headed by a finance director appointed by the Manager and the Clerk of the Circuit and County Courts. The finance director shall have charge of the financial affairs of the county.

MAYORAL RECALL

This amendment would include the Mayor in the list of elected officials subject to recall as provided in the Charter.

Ballot language

CHARTER AMENDMENT PROVIDING FOR MAYORAL RECALL

SHALL THE CHARTER BE AMENDED TO PROVIDE FOR RECALL OF
THE MAYOR?

YES ☐

NO ☐

Charter language

ARTICLE-7
INITIATIVE, REFERENDUM, AND RECALL

* * *

Section 7.02. Recall.

Any member of the Board of County Commissioners or the Mayor, Sheriff or Constable may be removed from office by the electors of the county, district, or municipality by which he was chosen. The procedure on a recall petition shall be identical with that for an initiatory or referendary petition, except that:

1. The Clerk of the Circuit Court shall approve the form of the petition.
2. The person or persons circulating the petition must obtain signatures of electors of the county, district, or municipality concerned in numbers at least equal to four percent of the registered voters in the county district or municipality on the day on which the petition is approved, according to the official records of the County Supervisor of Elections.
3. The signed petition shall be filed with and canvassed and certified by the Clerk of the Circuit Court.
4. The Board of County Commissioners must provide for a recall election not less than 45 nor more than 90 days after the certification of the petition.
5. The question of recall shall be placed on the ballot in a manner that will give the elector a clear choice for or against the recall. The result shall be determined by a majority vote of the electors voting on the question.
6. If the majority is against recall the officer shall continue in office under the terms of his previous election. If the majority is for recall he shall, regardless of any defect in the recall petition, be deemed removed from office immediately.

7. No recall petition against such an officer shall be certified within one year after he takes office nor within one year after a recall petition against him is defeated.
8. Any vacancy created by recall in the offices of Sheriff or Constables shall be filled for the remaining term by appointment by the Board of County Commissioners, or the Board may require the office to be filled at the next regular election or at a special election called for that purpose.

MIAMI-DADE FIRE AND RESCUE SERVICE DISTRICT GOVERNING BOARD

This amendment would abolish the governing board of the Miami-Dade Fire and Rescue Service District and designate the Board of County Commissioners to serve as the governing body for the District.

Ballot language

CHARTER AMENDMENT ABOLISHING THE MIAMI-DADE FIRE BOARD

SHALL THE CHARTER BE AMENDED TO ABOLISH THE GOVERNING BOARD OF THE MIAMI-DADE FIRE AND RESCUE SERVICE DISTRICT ESTABLISHED BY COUNTY ORDINANCE NO. 80-86 (THE "FIRE BOARD") AND DESIGNATE THE COUNTY COMMISSION TO SERVE AS THE GOVERNING BODY OF THE COUNTY'S FIRE AND RESCUE SERVICE DISTRICT?

YES ☐

NO ☐

Charter language

ARTICLE-1 BOARD OF COUNTY COMMISSIONERS

Section 1.01. POWERS

A. The Board of County Commissioners shall be the legislative and the governing body of the county and shall have the power to carry on a central metropolitan government. This power shall include but shall not be restricted to the power to:

* * *

11. By ordinance, establish, merge, and abolish special purpose districts within which may be provided police and fire protection, beach erosion control, recreation facilities, water, streets, sidewalks, street lighting, waste and sewage collection and disposal, drainage, and other essential facilities and services. All county funds for such districts shall be provided by service charges, special assessments, or

general tax levies within such districts only. The Board of County Commissioners shall be the governing body of all such districts and when acting as such governing body shall have the same jurisdiction and powers as when acting as the Board; ~~provided, however, the Board of County Commissioners shall not be the governing body of the Metro Dade Fire and Rescue Service District established by Ordinance No. 80-86, but said Fire and Rescue Service District shall be governed by five members elected for initial terms of two years by the registered voters of the Metro Dade Fire and Rescue Service District;~~ provided further, however, that the governing board of the juvenile welfare special district shall not be the Board of County Commissioners, but shall consist of the superintendent of schools, a local school board member, the district administrator of the Department of Health and Rehabilitative Services, a member of the Board of County Commissioners and five members appointed by the Governor.

CHILDREN'S TRUST

This amendment creates an independent special district for children's services and the "Children's Trust" to serve as the governing board of that district. The Children's Trust will have the authority to fund improvements to children's health, development and safety, promote parental and community responsibility for children, and levy an annual ad valorem tax not to exceed one-half (1/2) mill to supplement current county expenditures for children services.

Ballot language

CHARTER AMENDMENT: CHILDREN'S TRUST FOR CHILDREN'S HEALTH, SAFETY AND DEVELOPMENT

SHALL THE CHARTER BE AMENDED TO NAME THE INDEPENDENT
SPECIAL DISTRICT FOR CHILDREN'S SERVICES "THE CHILDREN'S
TRUST" WITH AUTHORITY TO:

- * FUND IMPROVEMENTS TO CHILDREN'S HEALTH,
DEVELOPMENT AND SAFETY;
- * PROMOTE PARENTAL AND COMMUNITY RESPONSIBILITY FOR
CHILDREN;
- * LEVY AN ANNUAL AD VALOREM TAX NOT TO EXCEED ONE-
HALF (1/2) MILL TO SUPPLEMENT CURRENT COUNTY
EXPENDITURES FOR CHILDREN SERVICES (THIS LEVY
REQUIRES VOTER RENEWAL IN 2008); AND
- * HAVE MEMBERSHIP PROVIDED IN STATE LAW FOR HOME
RULE CHARTER COUNTIES?

YES ☐

NO ☐

Charter Language

Section 1.01 POWERS

A. The Board of County Commissioners shall be the legislative and the governing body of the county and shall have the power to carry on a central metropolitan government. This power shall include but shall not be restricted to the power to:

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11. By ordinance, establish, merge, and abolish special purpose districts within which may be provided police and fire protection, beach erosion control, recreation facilities, water, streets, sidewalks, street lighting, waste and sewage collection and disposal, drainage, and other essential services. All county funds for such districts shall be provided by service charges, special assessments, or general tax levies with such districts only. The Board of County Commissioners shall be the governing body of all such districts and when acting as such governing body shall have the same jurisdiction and powers as when acting as the Board; provided however, the Board of County Commissioners shall not be the governing body of the Metro-Dade Fire and Rescue Service District established by Ordinance 80-86, but said Fire and Rescue Service District shall be governed by five members elected for initial terms of two years by the registered voters of the Metro-Dade Fire and Rescue Service District; provided further, however, that the governing board of the Children's Trust ~~juvenile welfare special district~~ shall not be the Board of County Commissioners, but shall have membership as provided in state law for children's service councils serving home rule charter counties. consist of the superintendent of schools, a local school board member, the district administrator of the Department of Health and Rehabilitative Services, a member of the Board of County Commissioners and five members appointed by the Governor The Children's Trust shall have the authority to fund improvements to children's health, development and safety; promote parental and community responsibility for children; levy an annual ad valorem tax not to exceed one-half (1/2) mill to supplement current county expenditures for children services and require voter renewal in 2008.